

2018

OFFICE OF THE VICTIM ADVOCATE  
ANNUAL REPORT  
FISCAL YEAR 2018



ENFORCING, PROTECTING & PROMOTING  
THE CONSTITUTIONAL & STATUTORY  
RIGHTS OF CRIME VICTIMS  
IN CONNECTICUT

*Submitted, as statutorily mandated, in  
September 2018 to the Governor of the State of  
Connecticut, and to the members of the  
Connecticut General Assembly.*



# Constitution of the State of Connecticut

## Article XXIX

### Rights of Victims of Crime

In all criminal prosecutions, a victim, as the General Assembly may define by law, shall have the following rights:

- The right to be treated with fairness and respect throughout the criminal justice process;
- The right to timely disposition of the case following arrest of the accused, provided no right of the accused is abridged;
- The right to be reasonably protected from the accused throughout the criminal justice process;
- The right to notification of court proceedings;
- The right to attend the trial and all other court proceedings the accused has the right to attend, unless such person is to testify and the court determines that such person's testimony would be materially affected if such person hears other testimony;
- The right to communicate with the prosecution;
- The right to object to or support any plea agreement entered into by the accused and the prosecution and to make a statement to the court prior to the acceptance by the court of the plea of guilty or nolo contendere by the accused;
- The right to make a statement to the court at sentencing;
- The right to restitution which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law;
- The right to information about the arrest, conviction, sentence, imprisonment and release of the accused.

The General Assembly shall provide by law for the enforcement of this subsection. Nothing in this subsection or in any law enacted pursuant to this subsection shall be construed as creating a basis for vacating a conviction or ground for appellate relief in any criminal case.

# Mission Statement

The Office of the Victim Advocate (OVA) seeks to ensure that the victims of crime become an integral part of the criminal justice system. Through public education of the rights and services available to crime victims, collaboration with law enforcement and service providers, as well as court and legislative advocacy, the OVA believes that the voices of crime victims will become a necessary component of our state.

## Overview

The Office of the Victim Advocate (OVA) was statutorily established in 1998 as an independent state agency charged with the promotion and protection of the constitutional and statutory rights of crime victims in Connecticut (C.G.S. §46a-13b). Among its many responsibilities, the OVA provides oversight of state and private agencies that provide services to crime victims and advocacy to crime victims when a violation of their state constitutional and statutory rights are at issue.

In order to fulfill the mandates of the OVA, the State Victim Advocate may:

- Evaluate the delivery of services by state agencies and entities that provide services to victims;
- Coordinate and cooperate with other private and public agencies concerned with the implementation, monitoring and enforcement of the constitutional rights of victims;
- Review procedures established by any state agency or other entity providing services to victims with respect to the constitutional rights of victims;
- Receive and review complaints of persons concerning the actions of any state agency or other entity providing services to crime victims;
- Initiate formal investigations into the circumstances of a complaint so as to remedy the concern in a systemic manner.
- File a limited special appearance in any court proceeding to advocate for any right guaranteed to a crime victim by the State Constitution or any other right provided to a crime victim by general statutes;
- Recommend systemic changes in state policies to ensure the proper treatment and protection of crime victims;
- Conduct programs of public education, undertake legislative advocacy, and make proposals for systemic reform;
- Monitor the provision of protective services to witnesses by the Chief State's Attorney; and
- Ensure a centralized location for victim services information.

The OVA currently operates under the following statute when determining who is a "victim of crime" or "crime victim:"

**C.G.S. Sec. 1-1k:** *Except as otherwise provided by the general statutes, "victim of crime" or "crime victim" means an individual who suffers direct or threatened physical, emotional or financial harm as a result of a crime and includes immediate family members of a minor, incompetent individual or homicide victim and a person designated by a homicide victim in accordance with section 1-56r.*

# OVA Fiscal Year Review

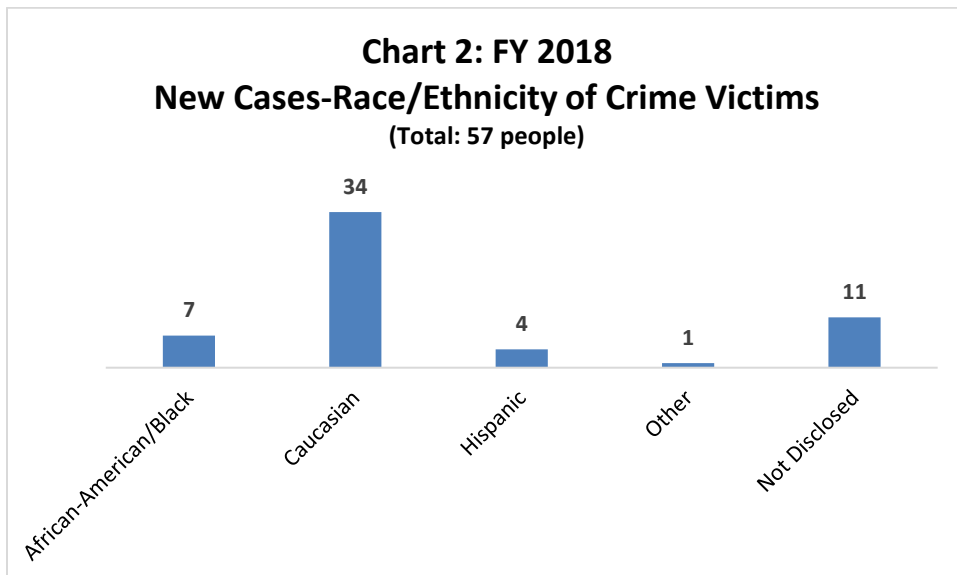
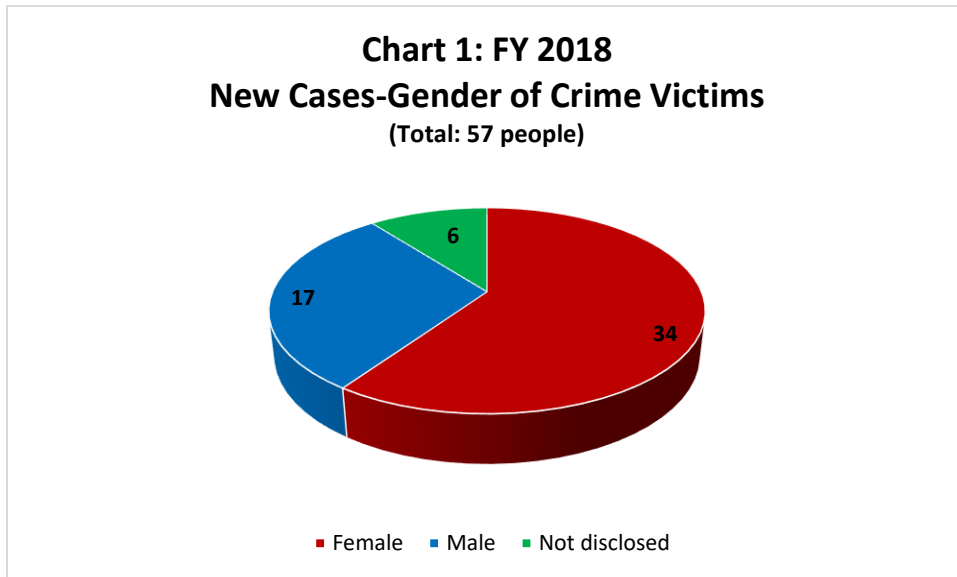
During the 2018 fiscal year (July 2017-June 2018), the OVA operated as a functional state agency committed to effectively and efficiently carrying out its statutory mandates.

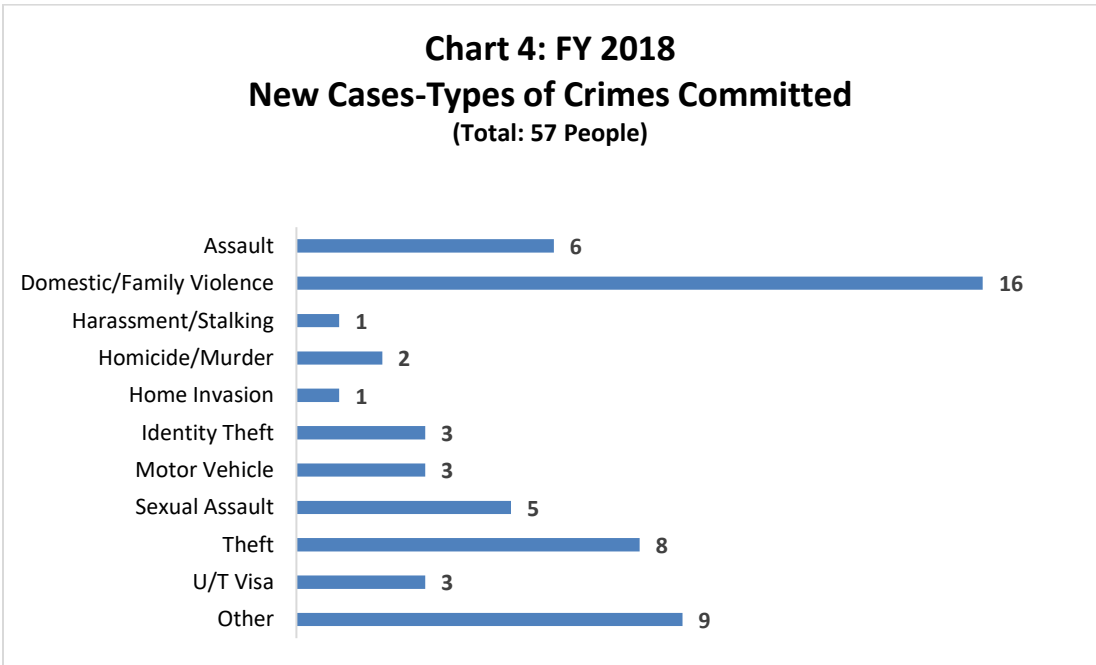
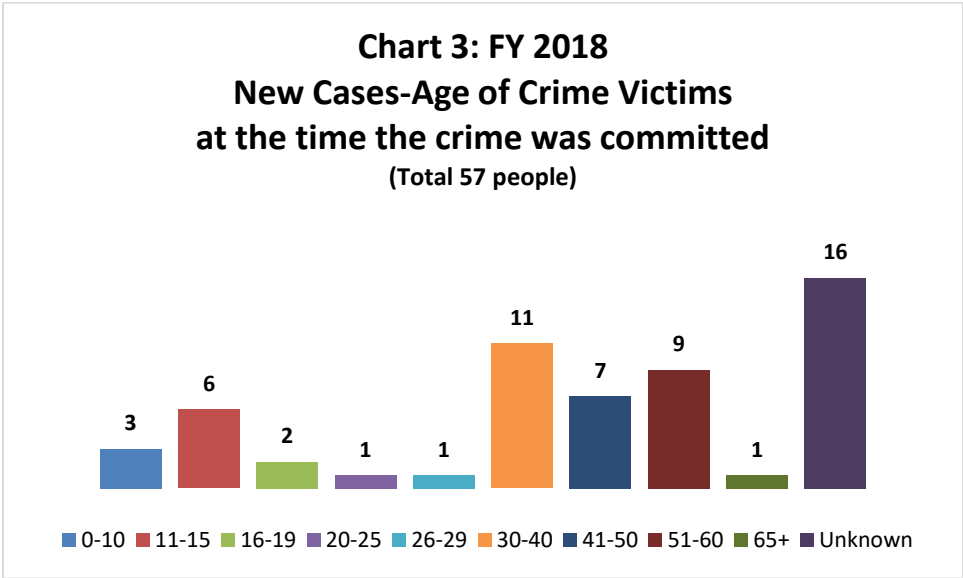
## COMPLAINT/INTAKE ACTIVITY

The OVA's statutory mandates include receiving complaints or requests for information and assistance from crime victims, agencies and entities on behalf of crime victims. The OVA received over 500 calls and opened 57 new cases, resulting in 100 open cases at the end of the fiscal year.

## DEMOGRAPHICS

Of the 57 new cases, 36 arrests were made, and seven (7) cases involved juvenile offenders. Clients self-reported the demographics and crime information included in Charts 1 to 4 below.





The crimes were committed in these Connecticut towns: Ansonia, Bridgeport, Danbury, Danielson, Dayville, East Haven, Easton, Griswold, Hartford, Manchester, Mansfield, Middlebury, New Canaan, New Haven, Norwich, Pawcatuck, Putnam, Shelton, Stamford, Waterbury, West Haven, and Windsor Locks.

## REFERRALS ►

The OVA received approximately 500 calls that resulted in referrals to one or more of the following agencies: Board of Pardons and Paroles, Chief Public Defender, City of West Haven, Commission on Human Rights and Opportunities, Connecticut Alliance to End Sexual Violence, Connecticut Coalition Against Domestic Violence, Connecticut Legal Services, Danbury State’s Attorney, Department of Children and Families Ombudsman, Derby State’s Attorney, Department of Correction Victim Services Unit, Department of Social Services, Division of Criminal Justice Cold Case Unit, Hamden Police Department, Hartford Board of Education, Hartford Family Services,

Hartford Police Department, Hartford State's Attorney, Judicial Branch Court Support Services Division, Judicial Branch Office of Adult Probation, Manchester State's Attorney, Meriden State's Attorney, Middletown State's Attorney, Milford State's Attorney, National Crime Victims Bar Association, New Britain Juvenile Prosecutor, New Britain State's Attorney, New Hampshire Department of Correction, New Haven State's Attorney, New London Family Services, Office of the Child Advocate, Office of Victim Services, Ohio Victims' Justice Center, Rockville Family Services, Survivors of Homicide, Willimantic Police Department, the Witness Protection Program, and 211 Infoline.

## **ADVOCACY** ▶

OVA staff accompanied clients to multiple court hearings. In some cases, the OVA filed limited appearances to address matters to the Court on behalf of clients. In other cases, OVA attended for moral support and to educate clients about the criminal justice process.

To address systemic issues raised by victims, the OVA has worked with the Judicial Branch and several local law enforcement agencies to address recurring issues, such as restitution, retrieval of property, and information requests.

The OVA received a complaint that Hartford criminal courts were routinely appointing Guardian Ad Litem for minor victims in sexual assault cases, without providing notice to the parents or allowing the parents to have an opportunity to be heard. This issue is significant because when a crime victim is a minor, the parent or guardian also attains crime victim status so the parent can act on behalf of the child. By routinely appointing a Guardian Ad Litem, the court effectively excluded the parent or guardian from the court process. The OVA collaborated with the Hartford Judicial District State's Attorney Gail Hardy to ensure that the parents of minor victims receive procedural due process in cases that warranted the appointment of a Guardian Ad Litem.

The OVA also collaborated with the Judicial Branch, Court Support Services Division, to develop new policies and procedures regarding restitution, and legislative language to ensure that crime victims have access to records and information in juvenile matters.

Additionally, the OVA maintains a webpage to educate crime victims of potential hearing dates for juvenile offenders impacted by U.S. Supreme Court decisions *Graham v. Florida* (2010) and *Miller v. Alabama* (2012).

## **APPOINTMENTS** ▶

The State Victim Advocate is appointed to the following boards or commissions to address the needs and concerns of victims of crime: Connecticut Sentencing Commission, Connecticut Information Sharing System, Criminal Justice Information System Governing Committee, Criminal Justice Policy Advisory Commission, Domestic Violence Offender Program Standards Advisory Council, Elder Justice Coalition, Eye Witness Identification Task Force, Family Violence Governing Council, Governor's Task Force on Justice for Abused Children, Juvenile Justice Policy & Oversight Commission, Racial and Ethnic Disparity Commission, and the Trafficking in Persons Council.

## **COLLABORATIONS** ▶

The OVA staff participated in the Community Renewal Team's Golf Classic, the Melanie Ilene Rieger Annual Symposium, and the VOICES Program at various correctional institution.

The OVA had an opportunity to collaborate with a high school student, Adalberto Millan, on his Capstone project. This project provides for authentic learning experiences focused on the unique interests of high school seniors. Mr. Millan chose to focus on the criminal justice system in Hartford, and interviewed individuals who work or have been engaged in the criminal justice system, and reached out to the State Victim Advocate. After interviewing Attorney Pierre, Mr. Millan created artwork depicting the Office of the Victim Advocate as a superhero assisting victims in the criminal justice process.



*State Victim Advocate Natasha M. Pierre, with Hartford Public High School Student, Adalberto Millan*



*Capstone Project by Hartford Public High School Student, Adalberto Millan*

## LEGISLATION ►

The State Victim Advocate met with legislators and testified before the Legislature on key bills that address crime victims' rights. The OVA monitored bills and submitted testimony on 22 bills before the Appropriations, Banking, Judiciary, and Public Safety and Security Committees.

Below is a listing of new laws that will directly impact crime victims:

### **PUBLIC ACT NO. 18-128, AN ACT CONCERNING VICTIM'S RIGHTS AND RESTITUTION (HB 5471)**

*Effective October 1, 2018*

The court shall inquire on the record whether or not the victim is requesting restitution.

### **PUBLIC ACT NO. 18-5, AN ACT CONCERNING DUAL ARRESTS AND THE TRAINING REQUIRED OF LAW ENFORCEMENT PERSONNEL WITH RESPECT TO DOMESTIC VIOLENCE (SB 466)**

*Effective January 1, 2019*

Defines "dominant aggressor" for purposes of crimes involving family violence. Modifies the current mandatory arrest law and allows police officers to depart from the mandatory arrest law when the police have identified the dominant aggressor in the incident.

**PUBLIC ACT NO. 18-90, AN ACT CONCERNING FEES FOR SECURITY FREEZES ON CREDIT REPORTS, IDENTITY THEFT PREVENTION SERVICES AND REGULATIONS OF CREDIT RATING AGENCIES (SB 472)**

*Effective October 1, 2018*

Prohibits credit reporting agencies from charging a fee to establish or remove a credit freeze. Increases the length of time certain businesses must provide identify theft mitigation services to customers impacted by a data breach, from 12 months to 24 months. Requires the banking commissioner to adopt regulations requiring credit rating agencies to provide a dedicated point of contact following a data breach.

**PUBLIC ACT NO. 18-83, AN ACT CONCERNING PROCEDURES RELATED TO COLLECTING AND PROCESSING SEXUAL ASSAULT EVIDENCE COLLECTION KITS (SB 17)**

*Effective July 1, 2018*

Develop policies to ensure a victim has access to information regarding the victim's sexual assault evidence collection kit. Implements a tracking system for sexual assault evidence collection kits. Ensures that a sexual assault counselor is contacted when a victim presents at a health care facility.

**PUBLIC ACT NO. 18-63, AN ACT CONCERNING SPECIAL PAROLE FOR HIGH-RISK, VIOLENT AND SEXUAL OFFENDERS (SB 14)**

*Effective October 1, 2018*

Eliminates special parole for convictions of offenses related to dependency-producing drugs. Prohibits the court from imposing special parole unless the court determines that special parole is necessary to ensure public safety. Allows the Board of Pardons and Paroles to discharge a person on special parole if it determines the person will lead an orderly life.

**PUBLIC ACT NO. 18-75, AN ACT CONCERNING COURT OPERATIONS (SB 215)**

*Effective October 1, 2018*

Extends the confidentiality protections to victims of aggravated sexual assault of a minor.

**SPECIAL ACT NO. 18-18, AN ACT ESTABLISHING A TASK FORCE TO PROMOTE EFFICIENCIES IN THE FILING OF HABEAS CORPUS MATTERS (HB 5407)**

*Effective upon passage*

Establishes a task force to examine methods to evaluate habeas corpus filings in order to reduce the number of frivolous applications.

**PUBLIC ACT NO. 18-127, AN ACT CONCERNING STATE V. McCAHILL (HB 5477)**

*Effective from passage*

Addresses the constitutional issue raised in State v. McCahill when a person has been convicted of a crime and is released pending sentencing or appeal.

**PUBLIC ACT NO. 18-134, AN ACT CONCERNING THE COMPETENCY OF A DEFENDANT TO STAND TRIAL (HB 5557)**

*Effective October 1, 2018*

Decreases the frequency of court-ordered periodic examinations for certain defendants deemed incompetent to stand trial.



**PUBLIC ACT NO. 18-56, AN ACT CONCERNING SERVICE OF CIVIL PROCESS ON A MOTOR VEHICLE OPERATOR OR THE OWNER OF A MOTOR VEHICLE (SB 468)**

*Effective October 1, 2018*

Allows for service of process (initiation of a civil action) on the Department of Motor Vehicles commissioner under certain circumstances in cases involving licensed drivers or owners of registered vehicles who cannot be located for in-person service.

**PUBLIC ACT NO. 18-86, AN ACT CONCERNING WHITING FORENSIC HOSPITAL AND CONNECTICUT VALLEY HOSPITAL (SB 404)**

*Effective October 1, 2018, except the task force provision is effective upon passage*

Establishes a task force to review and evaluate the Department of Mental Health and Addiction Services (DMHAS) facility operations and conditions and evaluate the feasibility of creating an Office of Inspector General to receive and investigate complaints about DMHAS hospitals. Establishes mandatory reporting of suspected patient abuse at DMHAS operated behavioral health facilities. Requires the DMHAS commissioner to investigate reports of suspected abuse.

**PUBLIC ACT NO. 18-3, AN ACT CONCERNING A MOTOR VEHICLE ACCIDENT REPORT FOR AN ACCIDENT IN WHICH A PERSON WAS KILLED (SB 471)**

*Effective October 1, 2018*

Requires that an investigation of a motor vehicle accident involving a death include a determination of the cause of the accident, or the matter be referred to the State's Attorney for further investigation.

## **PUBLIC OUTREACH AND EDUCATION ►**

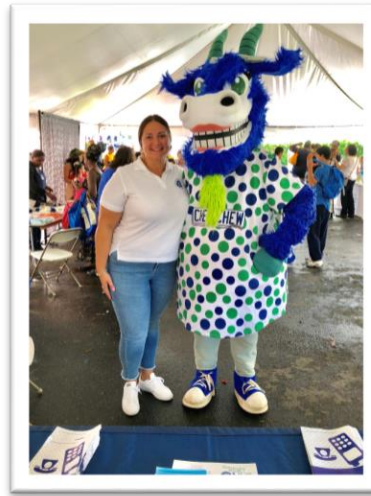
The State Victim Advocate met with legislators, victim advocacy groups, and other public agency officials to provide outreach and education in targeted areas throughout the state. The OVA presented at several events reaching 2,056 individuals directly. These educational events were held by state and federal agencies, legislators, community organizations, senior center community centers, and universities.



*State Victim Advocate Natasha M. Pierre, Keynote speaker at the UCONN Law School's Women's Law Student Association Annual Spring Luncheon*



*Staff Attorney Hakima Bey-Coon and Complaint Officer Merit LaJoie, conducting a training for the CT National Guard. (Photo courtesy of CT National Guard)*



*Staff Secretary Vanessa Torres at the Charter Oak Health Fair – Hartford, CT*

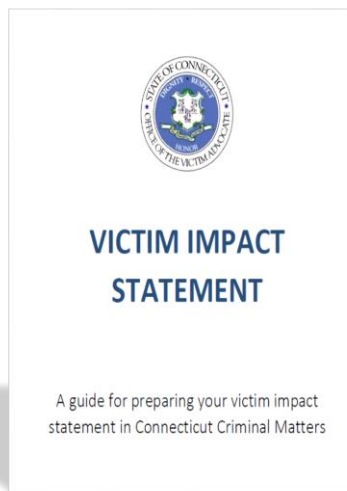
The OVA launched a year-long billboard media campaign to educate the public of its existence and services. Billboards have or will be placed in key locations in Hartford, Meriden, New Britain, New Haven, New London, Norwalk, Thomaston, and Waterbury. It is expected that this campaign will be seen by 169,168 people.



The OVA hosted a symposium during National Crime Victims' Rights Week in April. The theme, *Expand the Circle: Reach All Victims*, emphasized the importance of inclusion in victim services. The symposium provided attendees an in-depth overview of crime victims' rights and the importance of honoring and respecting those rights throughout the criminal process. The OVA was honored to have representatives from The CT Alliance to End Sexual Violence, State of CT Office of Victim Services, CT Coalition Against Domestic Violence, Survivors of Homicide and The Victims' Rights Center of CT host breakout sessions. Attendees represented law enforcement, attorneys, victim advocates, services providers and members of our community dedicated to providing services to victims of crime. The symposium was offered at no charge and provided CLE and POST credits to eligible participants.



The OVA continued to maintain print and electronic materials, including a newsletter, a website, Facebook, Twitter, and brochures for distribution to the public, the Judicial Branch and law enforcement agencies.



# OVA Staff

**Natasha M. Pierre, Esq., State Victim Advocate** – Ms. Pierre was appointed as the State Victim Advocate on November 28, 2014, by Governor Dannel P. Malloy and assumed her responsibilities on December 26, 2014. The Legislature confirmed her appointment in February 2015.

**Merit Lajoie, Complaint Officer** --- Mrs. Lajoie joined the OVA in May 2000. She advocates for clients during the criminal justice process, assists in legislative advocacy, conducts public education and outreach, and represents the OVA on boards and commissions.

**Hakima Bey-Coon, Esq., Staff Attorney 3** --- Ms. Bey-Coon joined the OVA in March 2006. She provides legal counsel to clients concerning crime victim rights, and represents the OVA on boards and commissions.

**Vanessa M. Torres, Secretary II** --- Ms. Torres joined the OVA in January 2011. She conducts intakes, manages office and budget administration, and implements social media and public education and outreach strategies.



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